

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA,

v.

NINCLO OSWALDO CEVALLOS,  
Defendant.

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Criminal No. 08-289 (FSH)

**ORDER**

This matter having come before the Court by letter dated December 15, 2008 by defendant Ninclo Oswaldo Cevallos, through his counsel Clifford E. Lazzaro, Esq., for a Petition of Habeas Corpus,

**IT IS** on this 18<sup>th</sup> day of December, 2008,

**ORDERED** that the Clerk of the Court file document #40 as a new civil action pursuant to 28 U.S.C. § 2255; it is further

**ORDERED** that the request to stay the defendant's surrender date is hereby **DENIED**.

/s/ Faith S. Hochberg  
United States District Judge